

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA, )  
                              )  
Petitioner,                )  
                              )  
v.                         ) Civil Action No. 1:12-cv-1166-SS  
                              )  
ROGER K. POOL,            )  
                              )  
Respondent.                )

**PETITIONER'S MOTION TO DISMISS**

Petitioner United States of America, by and through its undersigned counsel, respectfully represents as follows:

1. On December 12, 2012, Petitioner filed with this Court a Petition to Enforce Internal Revenue Service Summons.
2. The two summonses at issue required Respondent to appear and give testimony relating to his tax liabilities for the periods designated, and to bring and produce for examination the items set out in the summonses to the IRS Office shown on the summonses.
3. On December 26, 2012, the Court issued an Order requiring Respondent to appear at the office of the Internal Revenue Service Revenue Officer assigned to conduct the collection action (Revenue Officer) on January 28, 2013, and set a hearing on the matter to take place on February 15, 2013.
4. Respondent did not appear at the office of the Revenue Officer on January 28, 2013.

5. A hearing of this matter took place on February 15, 2013. During that hearing, the Court ordered that Respondent immediately appear before the Revenue Officer and provide the information being sought in the summonses.

6. On February 15, 2013, Respondent substantially complied with the summonses by providing the requested information to the Revenue Officer.

WHEREFORE, Petitioner United States of America respectfully requests that this Court enter an Order dismissing this case.

ROBERT PITMAN  
United States Attorney

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion to Dismiss was served on Respondent by mailing the same on FEB 21 2013 in a postage paid wrapper addressed as follows:

Roger K. Pool  
1301 Falcon Oaks Drive  
Leander, TX 78641

Date: FEB 21 2013

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